

# The New York City Council

*New York City Council  
City Hall  
New York, NY 10007*



## Meeting Minutes

Tuesday, October 23, 2007

9:30 AM

Committee Room - City Hall

### **Subcommittee on Zoning and Franchises**

*Tony Avella, Chair*

*Members: Simcha Felder, Eric N. Gioia, Robert Jackson,  
Melinda R. Katz, Michael E. McMahon, Joel Rivera, Larry B. Seabrook,  
Helen Sears, Kendall Stewart and Albert Vann*

Roll Call

**Present,** Avella, Felder, Gioia, Jackson, Katz, McMahon, Rivera, Seabrook, Sears, Stewart and Vann

*Other Council Members Attending: de Blasio, Martinez, Comrie and Yassky*

LU 0570-2007

**Uniform Land Use Review Procedure application no. C 060477  
ZMK, pursuant to Sections 197-c and 201 of the New York City  
Charter, for an amendment of the Zoning Map, Section No. 16a.**

**Attachments:** Hearing Transcript - Zoning 10/9/07, Hearing Testimony - Zoning 10/9/07,  
Hearing Transcript - Zoning 10/17/07, Hearing Transcript - Zoning 10/23/07,  
Hearing Transcript - Zoning 10/23/07 (Con't), Hearing Testimony - Zoning  
10/23/07, Hearing Transcript - Land Use 10/25/07

**This Land Use Application was Hearing Held by Committee**

**Attachments:** Hearing Transcript - Zoning 10/9/07, Hearing Testimony - Zoning 10/9/07,  
Hearing Transcript - Zoning 10/17/07, Hearing Transcript - Zoning 10/23/07,  
Hearing Transcript - Zoning 10/23/07 (Con't), Hearing Testimony - Zoning  
10/23/07, Hearing Transcript - Land Use 10/25/07

**A motion was made that this Land Use Application be Approved by Subcommittee  
with Modifications and Referred to CPC approved by Roll Call.**

**Affirmative,** 11 -

Avella, Felder, Gioia, Jackson, Katz, McMahon, Rivera, Seabrook, Sears,  
Stewart and Vann

LU 0571-2007

**Uniform land use review procedure application no. C 070156 ZSK,  
pursuant to §197-c and §201 of the Charter of the City of New York  
for the grant of a special permit pursuant to Section 74-711 of the  
Zoning Resolution in the Borough of Brooklyn, Council District no.  
39 to allow modifications of use and bulk at 130 Court Street a.k.a.  
182-184 Atlantic Avenue (Block 286, Lots 17 and 21). This  
application is subject to review and action by the Land Use  
Committee only if appealed to the Council pursuant to §197-d (b)(2)  
of the Charter or called up by vote of the Council pursuant to  
§197-d (b)(3) of the Charter.**

**Attachments:** Hearing Transcript - Zoning 10/9/07, Hearing Testimony - Zoning 10/9/07,  
Hearing Transcript - Zoning 10/17/07, Hearing Transcript - Zoning 10/23/07,  
Hearing Transcript - Zoning 10/23/07 (Con't), Hearing Testimony - Zoning  
10/23/07, Hearing Transcript - Land Use 10/25/07

**This Land Use Application was Hearing Held by Committee**

**Attachments:** Hearing Transcript - Zoning 10/9/07, Hearing Testimony - Zoning 10/9/07,  
Hearing Transcript - Zoning 10/17/07, Hearing Transcript - Zoning 10/23/07,  
Hearing Transcript - Zoning 10/23/07 (Con't), Hearing Testimony - Zoning  
10/23/07, Hearing Transcript - Land Use 10/25/07

**A motion was made that this Land Use Application be Approved by Subcommittee  
with Modifications and Referred to CPC approved by Roll Call.**

Affirmative, 11 -

Avella, Felder, Gioia, Jackson, Katz, McMahon, Rivera, Seabrook, Sears, Stewart and Vann

**LU 0572-2007**      **Uniform land use review procedure application no. C 070381 ZSM, pursuant to §197-c and §201 of the Charter of the City of New York for the grant of a special permit pursuant to Sections 13-562 and 74-52 of the Zoning Resolution in the Borough of Manhattan, Council District no. 6 to allow a parking garage with a maximum capacity of at 95 West 95th Street (Block 1209, Lot 1). This application is subject to review and action by the Land Use Committee only if appealed to the Council pursuant to §197-d (b)(2) of the Charter or called up by vote of the Council pursuant to §197-d (b)(3) of the Charter.**

**Attachments:** Hearing Transcript - Zoning 10/9/07, Hearing Testimony - Zoning 10/9/07, Hearing Transcript - Zoning 10/17/07, Hearing Transcript - Zoning 10/23/07, Hearing Testimony - Zoning 10/23/07, Hearing Transcript - Zoning 10/23/07 (Con't)

**This Land Use Application was Hearing Held by Committee**

**Attachments:** Hearing Transcript - Zoning 10/9/07, Hearing Testimony - Zoning 10/9/07, Hearing Transcript - Zoning 10/17/07, Hearing Transcript - Zoning 10/23/07, Hearing Testimony - Zoning 10/23/07, Hearing Transcript - Zoning 10/23/07 (Con't)

**This Land Use Application was Laid Over by Subcommittee**

**LU 0591-2007**      **Uniform Land Use Review Procedure application no. C 070447 ZMK, pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment of the Zoning Map, Section No. 16c and 17a.**

**Attachments:** Hearing Transcript - Zoning 10/9/07, Hearing Testimony - Zoning 10/9/07, Hearing Transcript - Zoning 10/17/07, Hearing Transcript - Zoning 10/23/07, Hearing Transcript - Zoning 10/23/07 (Con't), Hearing Testimony - Zoning 10/23/07, Hearing Transcript - Land Use 10/25/07

**This Land Use Application was Hearing Held by Committee**

**Attachments:** Hearing Transcript - Zoning 10/9/07, Hearing Testimony - Zoning 10/9/07, Hearing Transcript - Zoning 10/17/07, Hearing Transcript - Zoning 10/23/07, Hearing Transcript - Zoning 10/23/07 (Con't), Hearing Testimony - Zoning 10/23/07, Hearing Transcript - Land Use 10/25/07

**A motion was made that this Land Use Application be Approved by Subcommittee approved by Roll Call.**

Affirmative, 11 -

Avella, Felder, Gioia, Jackson, Katz, McMahon, Rivera, Seabrook, Sears, Stewart and Vann

**LU 0598-2007**      **Uniform Land Use Review Procedure application no. N 080022 ZRM, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, relating to Article XI, Chapter 5 (Special Downtown Jamaica District).**

**Attachments:**    Hearing Transcript - Zoning 10/23/07, Hearing Transcript - Zoning 10/23/07 (Con't), Hearing Testimony - Zoning 10/23/07, Hearing Transcript - Land Use 10/25/07

**This Land Use Application was Hearing Held by Committee**

**Attachments:**    Hearing Transcript - Zoning 10/23/07, Hearing Transcript - Zoning 10/23/07 (Con't), Hearing Testimony - Zoning 10/23/07, Hearing Transcript - Land Use 10/25/07

**A motion was made that this Land Use Application be Approved by Subcommittee approved by Roll Call.**

**Affirmative,** 11 -

Avella, Felder, Gioia, Jackson, Katz, McMahon, Rivera, Seabrook, Sears, Stewart and Vann

**LU 0599-2007**      **Uniform Land Use Review Procedure application no. C 070521 ZMQ, pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment of the Zoning Map, Section No.14b.**

**Attachments:**    Hearing Transcript - Zoning 10/23/07, Hearing Transcript - Zoning 10/23/07 (Con't), Hearing Testimony - Zoning 10/23/07, Hearing Transcript - Land Use 10/25/07

**This Land Use Application was Hearing Held by Committee**

**Attachments:**    Hearing Transcript - Zoning 10/23/07, Hearing Transcript - Zoning 10/23/07 (Con't), Hearing Testimony - Zoning 10/23/07, Hearing Transcript - Land Use 10/25/07

**A motion was made that this Land Use Application be Approved by Subcommittee approved by Roll Call.**

**Affirmative,** 11 -

Avella, Felder, Gioia, Jackson, Katz, McMahon, Rivera, Seabrook, Sears, Stewart and Vann

**LU 0600-2007      Uniform Land Use Review Procedure application no. C 070351  
MMM, pursuant to Sections 197-c and 199 of the New York City  
Charter and Section 5-430 et seq. of the New York City  
Administrative Code for an amendment to the City Map.**

**Attachments:** Hearing Transcript - Zoning 10/23/07, Hearing Transcript - Zoning 10/23/07 (Con't), Hearing Testimony - Zoning 10/23/07, Hearing Transcript - Zoning 11/13/07, Hearing Testimony - Zoning 11/13/07, Hearing Transcript - Zoning 11/14/07, Hearing Transcript - Land Use 11/14/07, Hearing Transcript - Land Use 11/15/07

**This Land Use Application was Hearing Held by Committee**

**Attachments:** Hearing Transcript - Zoning 10/23/07, Hearing Transcript - Zoning 10/23/07 (Con't), Hearing Testimony - Zoning 10/23/07, Hearing Transcript - Zoning 11/13/07, Hearing Testimony - Zoning 11/13/07, Hearing Transcript - Zoning 11/14/07, Hearing Transcript - Land Use 11/14/07, Hearing Transcript - Land Use 11/15/07

**This Land Use Application was Laid Over by Subcommittee**

**LU 0601-2007      Uniform Land Use Review Procedure application no. N 070412  
ZRM, pursuant to Section 201 of the New York City Charter,  
concerning the Special Lower Manhattan District (Article IX,  
Chapter 1), relating to modifications of the applicability of urban  
plazas, height and setback regulations and a special permit for  
development over or adjacent to the approaches to the Brooklyn  
Battery Tunnel.**

**Attachments:** Hearing Transcript - Zoning 10/23/07, Hearing Transcript - Zoning 10/23/07 (Con't), Hearing Testimony - Zoning 10/23/07, Hearing Transcript - Zoning 11/13/07, Hearing Testimony - Zoning 11/13/07, Hearing Transcript - Zoning 11/14/07, Hearing Transcript - Land Use 11/14/07, Hearing Transcript - Land Use 11/15/07

**This Land Use Application was Hearing Held by Committee**

**Attachments:** Hearing Transcript - Zoning 10/23/07, Hearing Transcript - Zoning 10/23/07 (Con't), Hearing Testimony - Zoning 10/23/07, Hearing Transcript - Zoning 11/13/07, Hearing Testimony - Zoning 11/13/07, Hearing Transcript - Zoning 11/14/07, Hearing Transcript - Land Use 11/14/07, Hearing Transcript - Land Use 11/15/07

**This Land Use Application was Laid Over by Subcommittee**

**LU 0602-2007**      **Uniform Land Use Review Procedure application no. C 070413 ZSM, pursuant to Section 197-c and 201 of the New York City Charter, for the grant of a special permit pursuant to Section 91-73 of the Zoning Resolution to allow unmapped air space above the approaches to the Brooklyn Battery Tunnel to be considered a single zoning lot to facilitate the development of a mixed use property at 50 West Street, Borough of Manhattan.**

**Attachments:**    Hearing Transcript - Zoning 10/23/07, Hearing Transcript - Zoning 10/23/07 (Con't), Hearing Testimony - Zoning 10/23/07, Hearing Transcript - Zoning 11/13/07, Hearing Testimony - Zoning 11/13/07, Hearing Transcript - Zoning 11/14/07, Hearing Transcript - Land Use 11/14/07, Hearing Transcript - Land Use 11/15/07

**This Land Use Application was Hearing Held by Committee**

**Attachments:**    Hearing Transcript - Zoning 10/23/07, Hearing Transcript - Zoning 10/23/07 (Con't), Hearing Testimony - Zoning 10/23/07, Hearing Transcript - Zoning 11/13/07, Hearing Testimony - Zoning 11/13/07, Hearing Transcript - Zoning 11/14/07, Hearing Transcript - Land Use 11/14/07, Hearing Transcript - Land Use 11/15/07

**This Land Use Application was Laid Over by Subcommittee**

**LU 0603-2007**      **Uniform Land Use Review Procedure application no. C 070414 ZSM, pursuant to Section 197-c and 201 of the New York City Charter, for the grant of a special permit pursuant to Section 91-35 of the Zoning Resolution to modify the setback requirements of Section 91-32 (Setback Requirements) in connection with the development of a mixed use property at 50 West Street, Borough of Manhattan.**

**Attachments:**    Hearing Transcript - Zoning 10/23/07, Hearing Transcript - Zoning 10/23/07 (Con't), Hearing Testimony - Zoning 10/23/07, Hearing Transcript - Zoning 11/13/07, Hearing Testimony - Zoning 11/13/07, Hearing Transcript - Zoning 11/14/07, Hearing Transcript - Land Use 11/14/07, Hearing Transcript - Land Use 11/15/07

**This Land Use Application was Hearing Held by Committee**

**Attachments:**    Hearing Transcript - Zoning 10/23/07, Hearing Transcript - Zoning 10/23/07 (Con't), Hearing Testimony - Zoning 10/23/07, Hearing Transcript - Zoning 11/13/07, Hearing Testimony - Zoning 11/13/07, Hearing Transcript - Zoning 11/14/07, Hearing Transcript - Land Use 11/14/07, Hearing Transcript - Land Use 11/15/07

**This Land Use Application was Laid Over by Subcommittee**

LU 0604-2007

**Uniform Land Use Review Procedure application no. C 070415 ZSM, pursuant to Section 197-c and 201 of the New York City Charter, for the grant of a special permit pursuant to Section 74-91 of the Zoning Resolution to modify the provisions of Section 37-04 (Requirements for Urban Plazas) in connection with the development of a mixed use property at 50 West Street, Borough of Manhattan.**

**Attachments:** Hearing Transcript - Zoning 10/23/07, Hearing Transcript - Zoning 10/23/07 (Con't), Hearing Testimony - Zoning 10/23/07, Hearing Transcript - Zoning 11/13/07, Hearing Testimony - Zoning 11/13/07, Hearing Transcript - Zoning 11/14/07, Hearing Transcript - Land Use 11/14/07, Hearing Transcript - Land Use 11/15/07

**This Land Use Application was Hearing Held by Committee**

**Attachments:** Hearing Transcript - Zoning 10/23/07, Hearing Transcript - Zoning 10/23/07 (Con't), Hearing Testimony - Zoning 10/23/07, Hearing Transcript - Zoning 11/13/07, Hearing Testimony - Zoning 11/13/07, Hearing Transcript - Zoning 11/14/07, Hearing Transcript - Land Use 11/14/07, Hearing Transcript - Land Use 11/15/07

**This Land Use Application was Laid Over by Subcommittee**

LU 0605-2007

**Application no. 20085017 TCM, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of 10 Downing LLC, to establish, maintain and operate an unenclosed sidewalk café located at 10 Downing Street, Borough of Manhattan, Council District no. 3. This application is subject to review and action by the Land Use Committee only if called-up by vote of the Council pursuant to Rule 11.20b of the Council and §20-226(g) of the New York City Administrative Code.**

**Attachments:** Hearing Transcript - Zoning 10/23/07, Hearing Transcript - Zoning 10/23/07 (Con't), Hearing Testimony - Zoning 10/23/07, Hearing Transcript - Zoning 11/13/07, Hearing Testimony - Zoning 11/13/07, Hearing Transcript - Zoning 11/14/07, Hearing Transcript - Land Use 11/14/07, Hearing Transcript - Land Use 11/15/07

**This Land Use Application was Hearing Held by Committee**

**Attachments:** Hearing Transcript - Zoning 10/23/07, Hearing Transcript - Zoning 10/23/07 (Con't), Hearing Testimony - Zoning 10/23/07, Hearing Transcript - Zoning 11/13/07, Hearing Testimony - Zoning 11/13/07, Hearing Transcript - Zoning 11/14/07, Hearing Transcript - Land Use 11/14/07, Hearing Transcript - Land Use 11/15/07

**This Land Use Application was Laid Over by Subcommittee**

**LU 0606-2007**      **Application no. 20075443 TCM, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of Bouley Bakery Operating LLC., to continue to maintain and operate an unenclosed sidewalk café located at 130 West Broadway, Borough of Manhattan, Council District no. 1. This application is subject to review and action by the Land Use Committee only if called-up by vote of the Council pursuant to Rule 11.20b of the Council and §20-226(g) of the New York City Administrative Code.**

**Attachments:**    Hearing Transcript - Zoning 10/23/07, Hearing Transcript - Zoning 10/23/07 (Con't), Hearing Testimony - Zoning 10/23/07, Hearing Transcript - Land Use 10/25/07

**This Land Use Application was Hearing Held by Committee**

**Attachments:**    Hearing Transcript - Zoning 10/23/07, Hearing Transcript - Zoning 10/23/07 (Con't), Hearing Testimony - Zoning 10/23/07, Hearing Transcript - Land Use 10/25/07

**A motion was made that this Land Use Application be Approved by Subcommittee approved by Roll Call.**

**Affirmative, 11 -**

Avella, Felder, Gioia, Jackson, Katz, McMahon, Rivera, Seabrook, Sears, Stewart and Vann

**LU 0607-2007**      **Uniform Land Use Review Procedure application no. N 070448 ZRY, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, concerning the establishment of Special Mixed Use District-10 on Atlantic and Howard Avenues in Brooklyn, the application of Inclusionary Housing program to the proposed R7D districts in the Borough of Brooklyn, Community Districts 3, and the clarification of language pertaining to Section 23-90 (Inclusionary Housing), inclusive, and Inclusionary Housing designated areas.**

**Attachments:**    Hearing Transcript - Zoning 10/23/07, Hearing Transcript - Zoning 10/23/07 (Con't), Hearing Testimony - Zoning 10/23/07, Hearing Transcript - Land Use 10/25/07

**This Land Use Application was Hearing Held by Committee**

**Attachments:**    Hearing Transcript - Zoning 10/23/07, Hearing Transcript - Zoning 10/23/07 (Con't), Hearing Testimony - Zoning 10/23/07, Hearing Transcript - Land Use 10/25/07

**A motion was made that this Land Use Application be Approved by Subcommittee approved by Roll Call.**

**Affirmative, 11 -**

Avella, Felder, Gioia, Jackson, Katz, McMahon, Rivera, Seabrook, Sears, Stewart and Vann

